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6 Attorneys for Defendant
DAVID A NUNN
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 DAVID A. NUNN,

15 Defendant.
16

Case No. 6:20-po-00742-HBK

**MOTION TO EXTEND DEADLINE FOR
FILING MOTIONS; [PROPOSED] ORDER**

17 Defendant, David A. Nunn, by and through undersigned counsel, Assistant Federal
18 Defenders Kara R. Ottervanger and Benjamin Gerson, hereby respectfully request a brief
19 extension of the current deadline for filing motions.

20 On July 9, 2024, the parties jointly requested that the trial date in this matter be vacated,
21 as there was a significant change in the law relevant to Mr. Nunn's previously-denied Motion to
22 Dismiss. At the request of the parties, the Court set a briefing schedule for new motions
23 regarding the change in law. The Court set the deadline for any new briefing on August 30, 2024.
24 Defense counsel requests an extension to September 16, 2024.

25 The change in law results from two separate lengthy and detailed opinions of the
26 Supreme Court of the United States. Defense counsel requires additional time to properly
27 analyze the change in law and properly present the legal arguments as it relates to Mr. Nunn's
28 case. Failure to grant the above-requested continuance would deny defense counsel the

1 reasonable time necessary for effective representation, taking into account the exercise of due
2 diligence.

3 Defense counsel has had unexpected obstacles to the timely and adequate presentation of
4 the renewed briefing arise. Undersigned counsel Kara Ottervanger has experienced a high
5 volume of new cases that have required immediate attention. Undersigned has also experienced
6 personal obligations that have taken time away from the preparation of the briefing, including a
7 recent medical emergency. Co-counsel Benjamin Gerson has experienced several unexpected
8 deadlines in capital cases that have been set on short-deadline since July 9, 2024, and has
9 additional upcoming deadlines. [See Declaration of Benjamin Gerson].

10 Defense counsel proposes the following new deadlines: any motions shall be filed by
11 September 16, 2024; any opposition shall be filed by October 16, 2024; and any reply shall be
12 filed by October 31, 2024.

13 Undersigned conferred with counsel for the Government, Assistant United States
14 Attorney Jeffrey Spivak, who has no objection to the relief sought herein.

15 In light of the foregoing, the undersigned believes the ends of justice are best served by
16 continuing the briefing as requested. Accordingly, Mr. Nunn respectfully request a brief
17 extension of the current motion deadline as set forth above.

18 Respectfully submitted,

19 HEATHER E. WILLIAMS
20 Federal Defender

21 Date: August 23, 2024

22 /s/ Kara R. Ottervanger
23 KARA R. OTTERVANGER
24 Assistant Federal Defender
25 Attorney for Defendant
26 DAVID A. NUNN
27
28

ORDER

IT IS SO ORDERED. Any motions shall be filed by September 16, 2024; any opposition shall be filed by October 16, 2024; and any reply shall be filed October 31, 2024.

Date: _____

Hon. Helena Barch-Kuchta
United States Magistrate Judge